



THE CITY OF NEW YORK
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June 14, 2023

Via ECF

The Honorable Paul A. Engelmayer
United States District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Montalvan v. Banks*, 22 CV 8541 (PAE)

Dear Judge Engelmayer:

I am an Assistant Corporation Counsel and a supervisor in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for the Defendants in the above-referenced action. Plaintiffs seek to appeal an administrative decision denying their request for compensatory educational services for the Plaintiff-student from March 2020 through the 2020-2021 school year.

I write to respectfully request an extension of time for Defendants to file their cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment. This is Defendants' second request for such an extension, and the Court granted Defendants' first request. Counsel for Plaintiffs consent to this request.

The reason for the requested enlargement is that the attorney in this office who has been assigned to handle this matter unexpectedly went out on emergency leave, starting yesterday, June 13, 2023. While this office is hopeful that he will return from the emergency leave next month, it is not certain at this time when, exactly, he will return to the office. As such, yesterday, this office reassigned this matter to another attorney to draft the motion papers. The requested extension of time, therefore, is lengthier than normally would be requested to afford the newly-assigned attorney an opportunity to familiarize himself with the lengthy record and to draft and file the motion papers.

Accordingly, Defendants respectfully request that the Court grant a 60-day extension of time, from June 14, 2023 until August 14, 2023, for Defendants to file their cross-motion for summary judgment and opposition to Plaintiffs' motion. Defendants also respectfully request a corresponding extension of the briefing schedule as follows:

- Defendants' cross-motion for summary judgment and opposition to Plaintiff's motion for summary judgment due by August 14, 2023;
- Plaintiffs' reply in support of their motion for summary judgment and their opposition to Defendants' cross-motion due by September 11, 2023; and
- Defendants' reply in support of their cross-motion for summary judgment due by September 25, 2023.

I thank the Court for its consideration of this request.


Respectfully submitted,

/s/

Philip S. Frank

cc: All counsel of record (via ECF)

Granted. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
June 14, 2023